

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America)

v.)

Mark Allen THORNTON II) Case No. C-21-634M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 11, 2021 in the county of Nueces in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(1)

Offense Description

Possessed a RUGER, Model EC9S, 9mm caliber semi-automatic pistol, serial number 457-82869, which was manufactured outside of Texas, after 1898, thereby traveling in and affecting interstate commerce, after being convicted of a crime punishable by a term exceeding one year and knowing he was a previously convicted felon.

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.


Complainant's signature

Richard Miller, Supervisory Special Agent ATF

Printed name and title

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on May 21, 2021



Judge's signature

City and state: Corpus Christi, Texas

Julie K. Hampton, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

I, Richard Miller, being duly sworn, depose and state that:

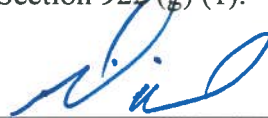
1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice, and have been so employed since July 16, 2001. I am a graduate of the United States Department of Treasury Criminal Investigator Training Program and the ATF National Academy. As a Special Agent with the ATF, I am vested with the authority to investigate violations of Federal laws, including Title 18 and Title 26 United States Code. I know that it is a violation of:

18 USC 922 (g)(1), for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year; to possess any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

2. Your affiant is familiar with the information contained in this affidavit, either through personal investigation or through discussion with other law enforcement officers, who have participated in and have contributed documentary reports of their investigative efforts in this matter.
3. On May 21, 2021, your affiant reviewed a Corpus Christi Police Department (CCPD) offense report, which documented the arrest of Mark Allen THORNTON II, a previously convicted felon, in possession of a firearm on May 11, 2021.
4. The report documents on May 11, 2021 at approximately 12:55 am a CCPD Officer observed a vehicle commit a traffic violation on a public roadway in Corpus Christi, Texas. The Officer was on duty driving a marked CCPD patrol vehicle and conducted the traffic stop in the area of 19th Street and Morgan Avenue.
5. The Officer made contact with the driver and the front passenger later identified as Mark Allen THORNTON II. During the traffic stop the driver and owner of the vehicle provide the CCPD Officer with consent to search the vehicle. The Officer noted that when the driver provided consent to search the vehicle, THORNTON began to display fidgety behavior and became very nervous.
6. The Officer then instructed THORNTON to exit the vehicle first and instructed the driver to stay in the vehicle. The Officer walked to the front passenger door and observed THORNTON exit the vehicle. As THORNTON exited the vehicle and stood up the Officer observed a bulge on THORNTON'S left hip under his shirt. The Officer believed the bulge was from a firearm, so he took control of THORNTON and patted him down for weapons. During the frisk the Officer

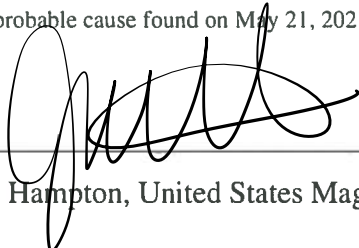
located a RUGER, Model EC9S, 9mm semi-automatic pistol, serial number 457-82869 in a holster on THORNTON'S belt on THORNTON'S left hip. The pistol was fully loaded with 9mm ammunition including a round in the chamber. The Officer then secured the firearm and arrested THORNTON. THORNTON was searched after arrest and found to be in possession of a distributable amount of controlled substances. While being escorted to a patrol car THORNTON attempted to escape and was controlled after a short struggle.

7. The Officer reviewed THORNTON'S NCIC/TCIC criminal history and determined THORNTON is a previous convicted felon. THORNTON was charged with Felon in Possession of a Firearm (State Charge). The Officer seized the firearm and ammunition and entered it into CCPD evidence.
8. Cameron County Texas District Clerk records document Mark Allen THORNTON II has the following previous felony conviction.
 - 404th District Court Case No. 09-CR-1469-G- Aggravated Robbery, convicted 11/19/2009. Sentenced to 10 years Texas Department of Criminal Justice.
9. On May 21, 2021, your affiant consulted with ATF Special Agent David Taylor, Interstate Nexus Expert, regarding the firearm possessed by THORNTON and described above. SA Taylor determined the firearm described above is a firearm as defined in Title 18 United States Code Chapter 44, and the firearm was manufactured outside the state of Texas, after the year 1898, therefore affecting interstate commerce when the firearms arrived in the state of Texas.
10. Based on the above information your affiant believes Mark Allen THORNTON II possessed a firearm manufactured outside the State of Texas after the year 1898, after having been convicted of a crime punishable by a term of imprisonment exceeding one year, knowing he was a previously convicted felon, which is in violation of Title 18, United States Code, Section 922 (g) (1).



Richard Miller
Supervisory Special Agent, ATF

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on May 21, 2021



Julie K. Hampton, United States Magistrate Judge